### **EXHIBIT 1**

Jeff Munson University of Washington Box 357920 Seattle, Washington 98195

February 6, 2020

Jamal Whitehead Schroeter Goldmark & Bender 810 Third Avenue, Suite 500 Seattle, WA 98104

Re: Supplemental Expert Report
Nawauzor et al. v. The GEO Group, Inc., No. 17-cv-5769-RJB (W.D. Wash.)

Dear Mr. Whitehead:

I have been retained by your firm to assess the economic damages sustained by detained persons participating in the "Voluntary Wage Program" (VWP) at the Northwest Detention Center. Specifically, you asked me to assume that the Washington State minimum wage applied to VWP participants and to calculate back wages owed for work performed at subminimum wage rates from September 26, 2014, through April 10, 2020. This report contains the results of my analysis and explains my methodology as well as the sources of data upon which I relied. This report amends my report of September 10, 2019 based on new information provided to me after that date that has allowed a more precise calculation of individual and aggregate damages.

Attached to this report are my *curriculum vitae* (Appendix A), a list of cases in which I have testified over the past four years (Appendix B), a statement of my compensation (Appendix C), and an Excel file containing the results of my analysis (Appendix D).

#### I. BACKGROUND

The GEO Group, Inc. ("GEO") owns and operates the Northwest Detention Center (NWDC), and uses civil immigration detainees participating in the VWP to perform

many non-security functions in the facility. The jobs performed by VWP participants include work that is broadly characterized as janitorial and maintenance, kitchen, barber, and laundry. GEO pays these detainees \$1.00 a day for their labor regardless of how many hours they actually work. GEO submits monthly bills to U.S. Immigration and Customs Enforcement for reimbursement of wages paid to VWP participants. GEO uses the Keefe banking system to manage detainee trust accounts. The Keefe banking records reflect GEO's daily payments to detainees for their work in the VWP.

Plaintiffs argue that an employment relationship exists between GEO and the detained persons taking part in the VWP, and that GEO's practice of paying subminimum wages to these workers violates Washington's Minimum Wage Act ("MWA"), RCW 49.46 et seq.<sup>6</sup>

#### II. MATERIALS CONSIDERED

In the course of my analysis, I reviewed the following documents:

- 1. First Amended Complaint
- 2. NWDC Detainee Handbook
- 3. R. Kimble Deposition Transcript
- 4. R. Kimble Deposition, Exhibit 20
- 5. R. Kimble Deposition, Exhibit 22
- 6. GEO-State 045059 (Jan. 2017 GEO Bill to ICE)
- 7. GEO-State 046463 (Feb. 2017 GEO Bill to ICE)
- 8. GEO-State 046465 (Mar. 2017 GEO Bill to ICE)
- 9. GEO-State 045232 (Apr. 2017 GEO Bill to ICE)

- 10. GEO-State 047378 (May 2017 GEO Bill to ICE)
- 11. GEO-State 045103 (Jun. 2017 GEO Bill to ICE)
- 12. GEO-State 045250 (Jul. 2017 GEO Bill to ICE)
- 13. GEO-State 045052 (Aug. 2017 GEO Bill to ICE)
- 14. GEO-State 045138 (Sept. 2017 GEO Bill to ICE)
- 15. GEO-State 230438 (Oct. 2017 GEO Bill to ICE)

<sup>&</sup>lt;sup>1</sup> Compl., ¶¶ 4.2-4.7.

<sup>&</sup>lt;sup>2</sup> Kimble Dep., Ex. 20.

<sup>&</sup>lt;sup>3</sup> NWDC Handbook at GEO-Nwauzor 001003.

<sup>&</sup>lt;sup>4</sup> Kimble Dep. at 164-170; Ex. 22.

 $<sup>^5</sup>$  GEO 30(b)(6) dep. at 98-99, 112-114; Heye Dep. at 114-118.

<sup>&</sup>lt;sup>6</sup> Compl.,  $\P\P$  4.2-4.12, 6.1-6.4.

- 16. GEO-State 046622-21 (Nov. 2017 GEO Bill to ICE)
- 17. GEO-State 230459 (Dec. 2017 GEO Bill to ICE)
- 18. GEO-State 046536 (Jan. 2018 GEO Bill to ICE)
- 19. GEO-State 047718 (Feb. 2018 GEO Bill to ICE)
- 20. Keefe Banking Records, *see* Appendix D (by Month tab)

To the extent additional relevant information becomes available, I reserve the opportunity to revise my analysis and the opinions stated in this report.

#### III. ASSUMPTIONS APPLIED

You asked me to assume the Washington State minimum wage applied to VWP participants, and to calculate aggregate damages for the certified class from September 26, 2014, to April 10, 2020. During this time, the following State minimum wage rates applied:<sup>7</sup>

- In 2014, the State minimum wage was \$9.32 per hour.
- In 2015, the State minimum wage was \$9.47 per hour.
- In 2016, the State minimum wage was \$9.47 per hour.
- In 2017, the State minimum wage was \$11.00 per hour.
- In 2018, the State minimum wage was \$11.50 per hour.
- In 2019, the State minimum wage was \$12.00 per hour.
- In 2020, the State minimum wage is currently \$13.50 per hour.

Other assumptions are discussed below (see infra, § IV) in the course of explaining my analysis.

#### IV. ECONOMIC ANALYSIS

I have calculated the aggregate economic damages under the Washington state minimum wage for the VWP participants from September 26, 2014, through April 10, 2020.

<sup>&</sup>lt;sup>7</sup> History of Washington Minimum Wage, Washington State Department of Labor & Industries, available at <a href="https://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/History/default.asp">https://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/History/default.asp</a> (last visited, Sept. 4, 2019).

In order to calculate this amount, data and information (collectively, "data") were imported into the R programming environment. The R language is a freely available language for statistical computing and graphics which provides a wide variety of statistical and graphical techniques.

Most of the Keefe banking data Excel files contained more than one worksheet. To avoid duplication, I extracted the daily payments to VWP participants as reflected in the worksheets labeled "ICE", "Sheet1", or "GEO" in the Keefe banking records. I used only information dated September 26, 2014, or later. However, for the months October 2014, March 2015, and September 2015, comparison with the GEO Bills indicated that the Keefe banking data were either overstated (October 2014) or incomplete (March and September 2015). Therefore, for those months I extracted and used monthly bill amounts from GEO to ICE form the billing records identified above.

The Keefe banking data include narrative location data for the work performed by detainees. I was asked to group the data into 13 different locations based on the terms included in the location data and to assume the following regarding the hours worked by detainees for each shift in these locations:

LOCATION	HOURS
BARBERSHOP	4
CLEANING_BARBERSHOP	0.5
CLEANING_KITCHEN	3
GREY MILE	1.5
INTAKE	1
JANITORIAL_MAINT	0.5
KITCHEN	4.5
KITCHEN_BRK	4.5
KITCHEN_DIN	5

LOCATION	HOURS
KITCHEN_LCH	6
LAUNDRY	4
LAUNDRY-FEMALE/POD	1
MEDICAL	0.5

A complete list of the locations included in each Location group is contained in the corresponding tabs of Appendix D attached hereto.

Based on these assumptions and the Keefe banking data that reflect worker pay, I calculated damages owed to VWP participants. I understand that individuals were paid \$1 per day while they participated in the voluntary work program. Thus, the Keefe banking figures can be considered the number of shifts worked by individuals in the Voluntary Work Program. I was asked to assume that these individuals were entitled to receive the Washington State minimum wage for the time that they worked in the VWP.

To calculate the damages, I multiplied each daily worker pay entry by the appropriate Washington State minimum wage and the assumed shift hours for the work location. This value would be the amount of pay VWP participants would be entitled to receive if the minimum wage is applicable. I then subtracted the amount of worker pay from the banking data to obtain the daily wages owed.

For the three months for which billing data were used, I multiplied the amount of the monthly invoice (which can be considered the total number of shifts worked by detainee workers in that month) by the applicable minimum wage for that time period and by the average shift length calculated for all other months on the basis of the Keefe banking data. That average shift length was 1.4569 hours, derived from 718,004 records and 1,046,066.5 shift hours applying the location/shift length assumptions described above.

Data were available through September 2019. For later dates, I applied the average daily damages calculated for September 2019 to each individual day from October 1, 2019 through April 10, 2020. This daily average was \$6,661.20.

The grand total of damages across the period from September 26, 2014 through April 10, 2020 is \$12,428,341.41, including \$10,674,987.46 in damages calculated from the Keefe banking data, \$467,742.34 calculated on the basis of the billing data, and \$1,285,611.60 extrapolated for October 1, 2019 through April 10, 2020. The "by Month" tab of Appendix D (attached) contains the results of my calculations. The "by Individual" tab shows the results of the Keefe banking data calculations by individual detainee. The "locations" tab shows the number of Keefe banking record entries by location group used in this analysis.

I reserve the right to amend or modify this report to the extent additional documents or information come to my attention.

Sincerely,

Jeffrey A. Munson, Ph.D.

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# APPENDIX A CURRICULUM VITAE

#### **Jeffrey A Munson**

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#### **EDUCATION**

B. A. Stanford University, 1988

Psychology, with Departmental Honors

Ph.D. University of Washington, 1998

Major area: Child Clinical Psychology

Dissertation: Structure and variability in the developmental trajectory of children's externalizing problems: Impact of child sex,

infant attachment, and maternal depression

#### PROFESSIONAL POSITIONS

2013 –	Research Associate Professor of Psychiatry and Behavioral Sciences, University
present	of Washington

2007-2013 Research Assistant Professor of Psychiatry and Behavioral Sciences, University

of Washington

1998-2007 Research Scientist, Center on Human Development and Disability, University of

Washington

Data analysis responsibilities (1998 - present)

- Oversee data analysis and data management of several large multiproject, collaborative studies.
- Extensive use of SPSS, HLM, EQS, R software programs for various data analytic tasks such as general linear models, hierarchical linear models, latent variable models, and data visualization.
- Extensive use of Microsoft SQL Server 2005, 2008 and Microsoft Access to manage the entry and organization of experimental data

 Use of the Python, Visual Basic, Visual C#, ASP.NET programming languages to create custom solutions for various data manipulation and management tasks.

Clinical and assessment responsibilities (1998 - 2001)

- Clinical assessments of children with autism and developmental disabilities, including standardized cognitive testing and play-based observational diagnostic assessments.
- Provide clinical feedback and recommendations to parents.

#### **PROFESSIONAL ACTIVITIES**

Ad hoc reviewer: Archives of Clinical Neuropsychology

Autism: International Journal of Research and Practice

Development and Psychopathology

Developmental Psychology

Journal of Autism and Development Disorders

Autism Research

New England Journal of Medicine

Grant Review Panels: Small Business: Biobehavioral and Behavioral Processes Across the Lifespan (NIH ZRG1 BBBP-T (10) B) (2009, 2010)

#### **PUBLICATIONS**

Journal Articles

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- 2. Feldman, S. S., Wentzel, K. R., Weinberger, D. A., Munson, J. A. (1990). Marital satisfaction of parents of preadolescent boys and its relationship to family and child functioning. *Journal of Family Psychology*, 4, 213-234.
- 3. Marachi R., McMahon R.J., Spieker S.J., & Munson J.A. (1999). Longitudinal assessment of the low-end specificity of maternal reports of depressive symptoms. *Behavior Research and Therapy*, 37,483-501.
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- 12. Carver, L., Dawson, G., Panagiotides, H., Meltzoff, A. N., McPartland, J., Gray, J., & Munson, J. (2003). Age-related differences in neural correlates of face recognition during the toddler and preschool years. *Developmental Psychobiology*, *42:*148-59.
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#### **Book Chapters**

- 1. Abbott, R. D., Amtmann, D., Munson, J. (2003). Exploratory and confirmatory methods in learning disabilities research. Swanson, H. L., Harris, K. R., et al. (Eds), *Handbook of learning disabilities* (pp. 471-482). New York, NY, US: Guilford Press.
- 2. Abbott, R. D., Amtmann, D., & Munson, J. (2006). Statistical analysis for field experiments and longitudinal data in writing research. In C. Macarthur, S. Graham, & J. Fitzgerald (Eds.) Handbook of Writing Research, pp. 374-386. New York: Guilford Press.

#### Professional Articles and Editorials

- 1. Munson, J. A. (2009). Book Reviews. Autism: Current Theories and Evidence; The Ethics of Autism: Among Them, but Not of Them, *New England Journal of Medicine*, *360*, 2485-2486
- 2. Munson, J., & Pasqual, P. (2012). Technology in autism research: The promise and perils. *IEEE Computer Mag*, 45(6).

#### **Conference Presentations**

- 1. Dawson, G., Schellenberg, J., Wijsman, E., Osterling, J., Estes, A., & Munson, J. Genetic study of autism. Presented at the 1999 Meeting of the Autism Society of America, Kansas City, KS.
- Dager, S.R., Friedman S.D., Shaw, D., Echelard, D., Artru, A.A., Strauss, W., Sparks, B., Carver, L., Richards T., Munson J., & Dawson G. (2000, March). Brain Structural and Chemical Imaging of Autistic Children, Developmentally Delayed Children and Age-Matched Controls. 20th Annual Meeting, European Winter Brain Conference. Geneva, Switzerland.
- 3. Dager, S.R., Friedman, S.D., Shaw, D., Echelard, D., Artru, A.A., Strauss, W.D., Sparks, B., Carver, L., Richards, T.L., Munson, J., & Dawson, G.(2000, August).

  Neuroimaging of the autistic child's brain: Brain, structure chemistry and function. IASSID Seattle, WA.
- 4. Dawson, G., Rogers, S., Sigman, M., Munson, J., & Abbott, R. Cognitive Functioning in Young Children with Autism versus Mental Retardation. Presented at the 2000 meeting of the ollaborative Programs of Excellence in Autism (CPEA). Denver, CO.
- 5. Werner, E., Dawson, G., Osterling, J., & Munson, J. Autistic regression: A validation of the phenomenon based on home videotapes and parent report. Presented at the 2001 meeting of the Society for Research in Child Development, Minneapolis, MI.
- 6. Dager, S.R., Friedman, S.D., Shaw, D.W.W., Sparks, B., Richards, T.L., Munson, J., Artru, A.A., Giedd, J., & Dawson G. (2001, December). Brain Structural and Chemical Abnormalities in Childhood Autism. Annual Meeting, American College of Neuropsychopharmacology.
- 7. Dager, S., Munson, J., Friedman, S., Webb, S., Shaw, D., Sparks, B., Artru, R., Abbott, R., & Dawson, G. (2002, November). Neuroimaging relationship to behavioral performance and clinical course in young children with ASD. Presented at the 2002 Meeting of the International Society for Autism Research, Orlando, FL.
- 8. Dawson, G., Schellenberg, G., Wijsman, E., Munson, J., & Estes, A. (2002, November). Quantitative assessments of autism symptoms in probands and family members: Broader Phenotype Autism Scale. Presented at the 2002 Meeting of the International Society for Autism Research, Orlando, FL.
- 9. Dawson, G., Munson, J., Estes, A., & Abbott, R. (2003, April). Early neurocognitive predictors of variations in developmental trajectory in autism. Accepted for presentation at the 2003 meeting of the Society for Research in Child Development. Tampa, FL.
- Toth, K., Munson, J., Estes, A., Abbott, R., & Dawson, G. (2003, April). Joint Attention Predicts Rate of Language and Social Growth in Young Children With Autism. Poster presented at the 2003 meeting of the Society for Research in Child Development. Tampa, FL.
- 11. Toth, K., Dawson, G., Meltzoff, A., & Munson, J. (2004). Early predictors of language growth in young children with autism: Joint attention, imitation, and toy play. Poster presented at the International Meeting for Autism Research, Sacramento, CA.
- 12. Dawson, G., Webb, S.J., Wijsman, E., Schellenberg, G., Estes, A., Munson, J., & Faja, S. Face Processing is Altered in Parents of Children With Autism: Neurocognitive and Neurophysiological Evidence. Accepted for presentation at the 2005 Meeting of the Society for Research in Child Development. Atlanta, GA.
- 13. Estes, A. M., Munson, J., Clary, L., & Dawson, G. Presence of a Broader Phenotype of Autism in Siblings From Multiplex Autism Families Accepted for presentation in the Symposium on "Autism in Infancy" S. Ozonoff and N. Yirmiya (Chairs) at the 2005 Meeting of the Society for Research in Child Development. Atlanta, GA.

- Munson, J., Dawson, G., Lord, C., Rogers, S., Sigman, M., & Abbott, R. Evidence for a bimodal distribution of neurocognitive function in autism. Presented at the 2005 meeting of the Collaborative Programs of Excellence in Autism (CPEA). Bethesda, MD.
- 15. Munson, J.A. (2009). Inferences on cognition in nonverbal children via real-time analysis of eye gaze. Poster presented at the International Meeting for Autism Research, Chicago, IL.

#### **EXPERT TESTIMONY**

Dr. Munson has worked as an expert in relation to data management and statistical analysis on over 40 cases with attorneys from Schroeter, Goldmark, & Bender, the Law Office of David Mark, Terrell Marshall Law Group, Rehki & Wolk, and Barnard, Iglitzin, & Lavitt.

Trial Testimony:

Pellino v. Brinks, Incorporated

Hill v. Garda CL Northwest, Inc.

Bruner, et al. v. Davis Wire Corporation

Espinoza v. MH Janitorial Services, LLC

Washington State Nurses Association v.

Yakima HMA LLC, d/b/a Yakima Regional Medical and Cardiac Center

Deposition Testimony:

Pellino v. Brinks, Incorporated

Hill v. Garda CL Northwest, Inc.

Bruner, et al. v. Davis Wire Corporation

Owens v. Bethlehem Construction Inc.

Watkins et al. v. United Parcel Service, Inc.

Elliott v. Cadman, Inc.

Thompson, Edwards, and Rowe v. Peterson Brothers, Inc.

Ott v. Mortgage Investors Corporation

Washington State Nurses Association v.

Yakima HMA LLC, d/b/a Yakima Regional Medical and Cardiac Center

Hardie et al. v. Best Parking Lot Cleaning Inc.

#### **GRANTS**

Special Hope Foundation

Munson (PI)

7/1/08-6/30/09

Communication and Gaze in Children with Disabilities

The purpose of this project is to develop an innovative assessment tool using eyetracking technology that is integrated in real-time with real-time 3D rendered graphics. The integration of these two technologies will provide a means to investigate social-cognition and language comprehension in children with limited communication abilities.

Role: Principal Investigator

P50HD055782 NICHD/NIDCD

King (PI), Munson (Core PI) 8/1/07–7/31/12

**UW Autism Center of Excellence** 

The goals of this project are to (1) discover genetic and environmental risk factors for autism, (2) identify early behavioral and neurophysiological risk indices of autism, (3) examine early manifestations of abnormal brain development in autism, (4) conduct a randomized clinical trial aimed at reducing and preventing the onset of autism symptoms, (5) conduct a follow-up study of early intensive behavioral intervention in autism, and (6) identify risk factors for the development of associated conditions in adolescence in autism.

Role: Principal Investigator of Statistics and Data Management Core

Simons Foundation

Munson (PI)

2/1/12-1/31/13

Novel Measurement of Imitation and Motor Control in Severe Autism

This project will use novel computer-based activities to study imitation and motor planning skills in a sample of severely impaired adolescents with autism. The activities use the Microsoft Kinect depth camera to record body movement in fine-detail as the students pop balloons, balance blocks, play "follow the leader", and pilot an airplane. During these activities we will measure how students modify their movements in response to what they observe on the screen. This will allow us to assess the learning process as it unfolds based on behavior the student initiates on his or her own. Tools that can assess subtle changes in behavior and learning are needed to support treatment research for those with the most severe impairments.

Role: Principal Investigator

#### **TEACHING**

- Faculty sponsor for Jae Kim, Student of Dr. Kelvin Sung in the senior internship program in the UW Bothell Department of Computing and Software Systems. Project Title: *Integrating Eye-tracking Device-Driven Applications for Studying Autism Using Valve's Source Real-time Game Engine.* (2009).
- Faculty sponsor for Young Youn, Student of Dr. Kelvin Sung in the senior internship program in the UW Bothell Department of Computing and Software Systems. Project Title: Eyetracking Across Multiple Monitors Using Valve's Source Game Engine To Investigate Nonverbal Measures of Theory of Mind. (2009).
- Faculty Mentor to David Xue, Senior Capstone Project in the UW Department of Engineering (Department sponsor, Tom Lewis, PhD). Project Title: Design of a toolset for evaluating visual attention variability in autistic children. (2010).

#### SERVICE

Discussion Leader for the Biomedical Research Integrity Program Series, Department of Bioethics & Humanities, UW School of Medicine. (2010, 2012).

#### PROFESSIONAL AFFILIATIONS

International Society for Autism Research

# APPENDIX B PREVIOUS TESTIMONY

Over the past five years I have provided trial and/or deposition testimony in the following cases:

Case	Case No.	Court	Trial testimony	Deposition testimony
Rojas v. Damco Distribution Services, Inc./Damco USA, Inc.	17-2- 14133-5	Pierce County Superior Court		5/25/2019
Hardie et al. vs. Best Parking Lot Cleaning Inc.	17-2- 27730-4	King County Superior Court		4/2/2019
Mendis v. Schneider National Carriers, Inc.	C15-0144- JCC	US District Court for the Western District of WA		2/7/2018
WA State Nurses Assoc v. Yakima Regional Medical and Cardiac Center	15-2- 01109-9	Yakima County Superior Court	1/26/2018 & 2/5/2018	1/10/2017 & 5/19/2017
Espinoza v. MH Janitorial Services, LLC	14-2- 26201-9	King County Superior Court	1/23/2017	
Hill, et al. v. Garda CL Northwest, Inc	09-2- 07360-1	King County Superior Court	6/16/2015	4/23/2015
Southwell v. Mortgage Investors Corp.	2:23-cv- 01289-MJP	US District Court for the Western District of Washington		7/18/2014
Bruner v. Davis Wire Corp.	12-2- 15676-0	King County Superior Court	9/3/2014	6/27/2014

### APPENDIX C COMPENSATION

I am working at my current rate of \$350 per hour for analysis and testimony for this case.

### **EXHIBIT D**

# EXCEL SPREADSHEET PRODUCED IN NATIVE FORMAT